

U.S. DISTRICT COURT
DISTRICT OF VERMONT
UNITED STATES DISTRICT COURT FILED
FOR THE
DISTRICT OF VERMONT

2005 NOV 28 PM 4 59

BEVERLY BRESSLER and
STEVEN BRESSLER,
Plaintiffs

v.

EDMOND PLANTE & SON, INC.
Defendant

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CLERK

BY

DEPUTY CLERK

Civil Case#: 2:05-cv-313

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, Beverly Bressler and Steven Bressler, by and through their attorney Todd D. Schlossberg, Esq., allege against Defendant as follows:

The Parties

1. Plaintiffs, Beverly Bressler and Steven Bressler, are residents of Minot, Maine.
2. Defendant, Edmond Plante & Son, Inc. is a Vermont corporation with a principal place of business in Derby, Vermont.

Jurisdiction And Venue

3. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(a) because the parties are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.
4. Venue is appropriate in this Court, pursuant to 28 U.S.C. § 1391(a)(2), because Defendant's principal place of business is in the State of Vermont.

Facts

5. On December 2, 2002, Plaintiff Steven Bressler was the driver, and his wife, Defendant Beverly Bressler, was a passenger, in their 1997 Oldsmobile Bravado, traveling westbound on Route 15 in Essex, Vermont.

6. At the same time, Robert Blouin was the driver of a 1999 Kenworth truck, owned by the Defendant, also traveling westbound on Route 15 in Essex, Vermont.

7. At the time, Robert Blouin was an employee of Defendant, operating Defendant's truck in the course of his employment with Defendant.

8. At approximately 10:00 a.m., Mr. Bressler stopped his vehicle at a traffic light near the intersection of Route 15 and the entrance ramp to I-289.

9. While the Bresslers were stopped at the traffic light, Robert Blouin drove Defendant's truck into the rear end of the Bresslers' vehicle.

10. Robert Blouin advised that an investigating police officer that, prior to rear-ending the Plaintiffs' vehicle, he has been looking in his rear view mirrors to check his load.

11. As a result of the December 2, 2002 collision, Robert Blouin was issued a warning for violating 23 V.S.A. §1039 (following too closely).

12. Robert Blouin failed to operate Defendant's vehicle in a careful and prudent manner.

13. Defendant, through the conduct of its employee, Robert Blouin, breached its duty of due care to Plaintiffs.

14. Defendant is liable for Robert Blouin's negligent operation of Defendant's truck on December 2, 2002.

15. Defendant is liable to Plaintiffs for damages sustained as a result of the collision.

16. As a result of Defendant's negligence, Plaintiffs suffered damages, including but not limited to, permanent physical injuries, physical pain, emotional suffering, loss of enjoyment of life, medical expenses, and lost income.

17. As a result of Defendant's negligence, Plaintiff Steven Bressler has suffered lost consortium of his wife, Beverly.

WHEREFORE, Plaintiff requests that the Court:

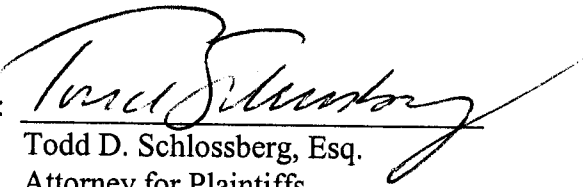
1. Enter judgment in Plaintiffs favor;
2. Award Plaintiffs compensatory damages in the amount determined by the jury;
3. Award Plaintiffs pre-judgment interest on all readily ascertainable damages, including medical expenses and lost income; and
4. Award Plaintiffs their costs of suit.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs demand a trial on all issues triable as of right by a jury.

Dated at Burlington, Vermont, this 25th day of November, 2005.

BEVERLY J. BRESSLER and
STEVEN R. BRESSLER

By: 
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